

VZCZCXRO2858
RR RUEHPB
DE RUEHDT #0136/01 0931145
ZNY CCCCC ZZH
R 031145Z APR 07
FM AMEMBASSY DILI
TO RUEHC/SECSTATE WASHDC 3421
INFO RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE
RHHMUNA/HQ USPACOM HONOLULU HI
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RUEHDT/AMEMBASSY DILI 2782

C O N F I D E N T I A L SECTION 01 OF 02 DILI 000136

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E.O. 12958: DECL: 4/2/2017
TAGS: [KDEM](#) [PGOV](#) [PREL](#) [UN](#) [TT](#)
SUBJECT: ELECTORAL CERTIFICATION PRIORITIES

REF: Dili 121

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CLASSIFIED BY: Seiji T Shiratori, Deputy Chief of Mission, EXEC,
State.
REASON: 1.4 (b), (d)

¶1. (C) Summary: The United Nation's Electoral Certification Team (ECT) has published its Fifth report dated 16 March 2007 regarding the 2007 parliamentary and presidential elections in East Timor. While the comprehensive report by the independent body concluded that major corrective steps in the Third and Fourth reports had not yet been taken, thus finding that the process was still "not proceeding satisfactorily," other UN bodies qualify that the ECT's work represents the international gold standard of election administration which even few developed countries meet. According to UNMIT, two major issues cited in the report, overall security in Dili and GOET financial support for the National Elections Commission (CNE) secretariat, have already been addressed. The GOET's current insistence on waiting until the day before the elections, April 8, to distribute ballots could delay voting in some areas. Post judges that the biggest question about elections in East Timor is whether the Timorese public will accept the results peacefully. An important secondary concern remains how closely the electoral laws, regulations, and procedures will comply with key international standards in order to make the call that they are free and fair. Outstanding procedural questions which post will continue to press the GOET to address, particularly following the presidential elections and prior to the more critical parliamentary elections, include prohibition on the use of state resources in campaigns, the period for lodging electoral complaints, and efficacy of the independent oversight body. End summary.

¶2. (C) Most contacts agree that although there will be some logistical imperfections and other stumbling blocks along the way, East Timor's upcoming elections will generally succeed on the purely procedural concerns. As described reftel, the risk that East Timor's presidential and parliamentary elections will

fail on procedural grounds or be de-certified by the UN's independent Electoral Certification Team (ECT) is not as great as the risk that political discord or failure to accept the results peacefully will follow. We are, however, continuing to monitor the certification process to identify and press for resolution of the most urgent outstanding operational issues. East Timor's electoral process has been certified on only two of the nine benchmarks used by the ECT. The ECT has produced five reports outlining a total of more than thirty outstanding concerns. These concerns have not been prioritized by the ECT. A sixth report is expected following the first round of the presidential election on 9 April.

13. (SBU) Discussions with USAID's implementing partners, UN electoral officials, and other observers of this process generally highlight the following concerns as the most salient with regard to whether the elections are free and fair.

--- Use of state resources. There is still no legal prohibition on this and no sign that such a legislative fix is pending. This was highlighted in the ECT's Third Report.

--- Period for lodging complaints. The Third Report recommended a longer period for complaints and for rulings on complaints. No solution has been proposed.

--- Independent oversight. The Third Report recommended legislation allowing the CNE to seek court orders, to view documents and records of the State Technical Administration for Elections (STAE) and other agencies, and to take statements from officers of STAE and others agencies. No solution has been proposed.

--- Voter identification documents. The Third Report recommended allowing people to vote without a voter registration card if they have adequate other means of proving their identity and their qualification to vote. The Report recommended correcting this legislatively, but there is a proposal to

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correct it administratively.

--- Threshold of votes. The Third Report called for legal clarification whether these thresholds would be calculated on total votes or total valid votes in a legislative district. This has not been corrected.

--- Carrying weapons. The Third Report recommended a legal prohibition on weapons near the polling centers except for on-duty personnel providing security for the election. CNE has proposed to address this by regulation, but the Fifth Report questions whether a regulation would give police authority to enforce the weapons prohibition.

14. (SBU) In a briefing to international donors 30 March, UNMIT Deputy SRSG Finn Reske-Nielsen stated that since the release of the Fifth report of the ECT, the GOET had passed an election law and two major issues raised in the report had been addressed. First, ongoing concerns raised by the ECT about security and possible election violence in Dili had thus far not come to pass. There had been no major security incident in the campaign thus far and minor incidents in Dili were being addressed by UNPOL and the ISF (International Stabilization Force). Second, the GOET was addressing concerns about the institutional capacity of the CNE. Over the last week, the STAE had approved the addition of two staff and financial support to the CNE secretariat. UNMIT judged that while the CNE was a young

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institution, it was meeting with them weekly and they were impressed with the quality of the commissioners. In a meeting 3 April, President of the CNE Faustino Cardoso told Charge that while the CNE desired greater budget flexibility to purchase cell phones and other communication equipment, UNDP was assisting with radios and cell phones, and the CNE would be able to do its job.

15. (SBU) Comment: Although the primary concern with elections remains whether the Timorese public will generally accept the results peacefully and not resort to further destabilizing activities, the USG will also continue to push the GOET for maximum progress on tightening and perfecting electoral laws, regulations, and procedures in relation to international benchmarks, including pushing the GOET to back off its current stance of waiting until 8 April to distribute ballots. The period between the presidential election and the parliamentary election will be useful for taking stock and making necessary improvements. This is critical because there is much more at stake in the parliamentary elections and much greater potential for disagreement over the results. End comment.
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